

SUPREME COURT OF WISCONSIN

CASE No.: 01-1347

COMPLETE TITLE:

Dustin Dowhower, a minor, by his Guardian
ad Litem Susan Rosenberg, Tamara Dowhower
and Larry Dowhower,
Plaintiffs-Respondents,
v.
Simon Marquez and Viking Insurance
Company of Wisconsin,
Defendants,
West Bend Mutual Insurance Co.,
Defendant-Appellant,
Aetna Life Insurance Co.,
Defendant.

ON REVIEW OF A DECISION OF THE COURT OF APPEALS
Reported at 260 Wis. 2d 192, 659 N.W.2d 57
(Ct. App. 2003-Published)

ORDER FILED: September 12, 2003
SUBMITTED ON BRIEFS:
ORAL ARGUMENT:

SOURCE OF APPEAL:

COURT: Circuit
COUNTY: Racine
JUDGE: Emmanuel Vuvunas

JUSTICES:

CONCURRED:
DISSENTED:
NOT PARTICIPATING:

ATTORNEYS:

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

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FILED

SEP 12, 2003

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

The Court entered the following order on this date:

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of defendant-appellant-petitioner, West Bend Mutual Insurance Co., and a motion of the Wisconsin Insurance Alliance for leave to file a non-party brief in support of the petition for review pursuant to Wis. Stat. § (Rule) 809.19(7), and considered by this court;

IT IS ORDERED that the motion of the Wisconsin Insurance Alliance to file an amicus curiae brief in support of the petition for review pursuant to Wis. Stat. § (Rule) 809.19(7) is granted and the accompanying brief is accepted for filing;

IT IS FURTHER ORDERED that the petition for review is granted, the court of appeals' decision in this case is

summarily vacated and the matter is remanded to the court of appeals for further consideration in light of this court's decision in Folkman v. Quamme, 2003 WI 116 (opinion issued July 16, 2003).

